

***MODOC LAFCO***

***HEARING DRAFT***

***CALIFORNIA PINES CSD***

***SPHERE OF INFLUENCE***

***February 9, 2010***

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## **1 INTRODUCTION**

This Sphere of Influence is prepared for the California Pines CSD in Modoc County which provides various community services. The Municipal Service Review (MSR) analyzes the services offered by the California Pines Community Services District and the District's capability to serve existing and future residents in the area. Information contained in this Sphere of Influence is current only as of the date of adoption

### **1.1 LAFCO's Responsibilities**

Local Agency Formation Commissions are quasi-legislative local agencies created in 1963 to assist the State in encouraging the orderly development and formation of local agencies.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) is the statutory authority for the preparation of an MSR, and periodic updates of the Sphere of Influence of each local agency. A Sphere of Influence is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code §56076).

Government Code §56425(f) requires that each Sphere of Influence be updated not less than every five years, and §56430 provides that a Municipal Service Review shall be conducted in advance of the Sphere of Influence update.

### **1.2 Sphere of Influence Requirements**

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a statement of determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide; and
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

### **1.3 Possible Approaches to the Sphere of Influence**

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Lake LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below:

1. Coterminous Sphere:

A Coterminous Sphere means that the Sphere of Influence for a city or special district that is the same as its existing boundaries. This is the recommendation for the California Pines CSD.

2. Annexable Sphere:

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere.

3. Detachable Sphere:

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.

4. Zero Sphere:

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

5. Consolidated Sphere:

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.

6. Limited Service Sphere:

A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following four conditions exist:

- a. The limited service provider is providing adequate, cost effective and efficient services,
- b. The multi-service agency is the most logical provider of the other services,
- c. There is no feasible or logical SOI alternative, and
- d. Inclusion of the territory is in the best interests of local government organization and structure in the area.

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

#### 7. Sphere Planning Area:

LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency’s SOI in the future to include territory not yet within its official SOI.

### **1.4 SOI Update Process**

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years. In updating the SOI, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations.

This report identifies preliminary SOI policy alternatives and recommends SOI options for the ten CSAs providing water service. Development of actual SOI updates will involve additional steps, including opportunity for public input at a LAFCO public hearing, and consideration and changes made by Commissioners.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

### **1.5 SOI Amendments and CEQA**

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment. Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are commonly exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Remy et al. write

In *City of Agoura Hills v. Local Agency Formation Commission* (2d Dist.1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (*City of Agoura Hills*), the court held that a LAFCO's decision to approve a city's sphere of influence that in most respects was coterminous with the city's existing municipal boundaries was not a "project" because such action did not entail any potential effects on the physical environment.<sup>1</sup>

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<sup>1</sup> Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.  
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## **2      *SPHERE OF INFLUENCE***

The determination of Sphere of Influence Plans is the most important planning function given to LAFCO by the State Legislature. Spheres of Influence are described by the Cortese-Knox-Hertzberg Act as an important tool for “planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities.”

Spheres serve a similar function in LAFCO determinations as general plans do for cities and counties. Consistency with the adopted sphere plan is mandatory, and changes to the plan require careful review. It is intended that written determinations adopted by LAFCO and the Sphere Diagram will together guide the provision of municipal services for the California Pines CSD area.

While LAFCO encourages the participation and cooperation of the subject agency, the sphere of influence plan is a LAFCO responsibility, and the Commission is the sole authority as to the sufficiency of the documentation and the plan’s consistency with law and LAFCO policy.

**2.1. Present and Planned Land Uses in the California Pines Area, Including Agricultural and Open Space Lands**

**2.1.1 Land Use**

The California Pines CSD area is governed by a Specific Plan developed and adopted by Modoc County in 1983. At the time this Plan was written it was anticipated that most of the units built would be used seasonally with a smaller number of full-time residents.<sup>2</sup>

**2.1.2 SOI Determinations on Present and Planned Land Use for California Pines CSD**

- 1-1] No additional lands are expected to be annexed to the California Pines CSD.
- 1-2] Public health is better when development is connected to sewer and water systems.
- 1-3] LAFCO shall support appropriate buffer areas separating agricultural lands from lands with densities higher than 1 unit to 5 acres.
- 1-4] Modoc County has extensive land in public ownership which will provide for ample open space.
- 1-5] The Sphere of Influence for the California Pines CSD would not allow annexation to the District.

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<sup>2</sup> Modoc County, "California Pines Specific Plan and Draft EIR", February 1983, page 2.



## **2.2. Municipal Services: Present Need**

### **2.2.1 Need for Facilities and Services**

The District provides Fire Services, Street Services, Recreation Services and Mosquito Abatement as Governmental Activities and Airport, Water, Wastewater, Vacant Lot Clearing and Mowing Service and Solid Waste Disposal services as Business-Type activities. These nine services will be needed in the future.

### **2.2.2 SOI Determinations on Service Need for California Pines CSD**

- 2-1] The District should have a Capital Improvements Plan to show how much money will be needed to maintain and improve the infrastructure.
- 2-2] The District should have policies to ensure that all new development will pay for all services needed including the following:
  - a) Streets
  - b) Water
  - c) Wastewater Treatment
  - d) Fire Protection
  - e) Parks
  - f) Solid Waste Disposal
  - g) Airport Services
  - h) Mosquito Abatement
  - i) Vacant Lot Clearing and Mowing
- 2-3] California Pines CSD services and infrastructure should be maintained and improved.
- 2-4] The need for the California Pines CSD services will continue into the future.

## **2.3     Public Facilities Future Capacity**

### **2.3.1   Facilities and Capacity**

The facilities and capacity are explained in detail in the California Pines Community Services District MSR. The capacity of the various public facilities would be enhanced if additional development could be served to spread the cost over a larger number of tax payers.

### **2.3.2   SOI Determinations on Public Facilities Present and Future Capacity for California Pines CSD**

3-1]   Present services within the District are adequate for the residents and probable future growth within the Sphere of Influence if planned improvements are made.

## **2.4 Social or Economic Communities of Interest**

### **2.4.1 California Pines Community Services District**

The California Pines CSD was formed in 1969 to serve the needs of the California Pines Subdivision. The subdivided area included 10,700± acres but the District included 24,700± acres. Additional land was annexed to the District in 1970 and 1975 so that the District now includes approximately 80 square miles.

The District serves a population of approximately 400 people.<sup>3</sup>

The General Manager is Dan Shearer and the Administrative Secretary is Vera Sphar. There are a total of nine employees.<sup>4</sup>

The District provides Fire Protection Services, Street Services, Recreation Services and Mosquito Abatement as Governmental Activities and Airport, Water, Wastewater and Solid Waste Disposal services as Business-Type activities.

### **2.4.2 *SOI Determinations on Social or Economic Communities of Interest for California Pines CSD***

- 4-1] The California Pines CSD serves a separate community with economic interests to maintain services which protect the value of the property.
- 4-2] The California Pines population is dependent on the City of Alturas for shopping and other commercial services.
- 4-3] LAFCO is charged with overseeing orderly development in an area. The County is charged with Land Use Planning.

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<sup>3</sup> California Pines CSD, Vera Sphar, June 12, 2009.

<sup>4</sup> California Pines CSD, Vera Sphar, June 12, 2009.

# MAP

